

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

INDELISA RAMIREZ-ZARATE, )  
Plaintiff, ) No. CV-09-3073-JPH  
v. ) ORDER GRANTING STIPULATED  
MICHAEL J. ASTRUE, ) MOTION FOR REMAND  
Commissioner of Social ) (Ct. Rec. 21)  
Security, )  
Defendant. )

BEFORE THE COURT is the parties' stipulated motion to remand this case to the Commissioner for further administrative proceedings (**Ct. Rec. 21**). D. James Tree represents plaintiff. Special Assistant United States Attorney Nancy Mishalanie represents defendant. The parties have consented to proceed before a magistrate judge (**Ct. Rec. 7**).

After considering the stipulated motion (Ct. Rec. 21),  
**IT IS ORDERED** that the **motion is GRANTED**. The **case is REVERSED** and  
**REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for  
further administrative proceedings, including:

1. The ALJ will conduct a new hearing and issue a new decision.

2. The ALJ will further evaluate whether plaintiff suffers from rheumatoid arthritis and if so, determine the severity.

3. The ALJ will consider and explain the weight given the

1 opinion of Rosa Martinez, M.D.

2 4. The ALJ will reevaluate plaintiff's RFC.

3 5. The ALJ will obtain vocational expert testimony as to  
4 plaintiff's ability to perform her past work.

5 6. If necessary the ALJ will determine at step five if there  
6 are other jobs existing in significant numbers plaintiff could  
7 perform.

8 Because this remand is pursuant to sentence four with a  
9 remand to the Commissioner for further proceedings (see *Melkonyan*  
10 v. *Sullivan*, 501 U.S. 89 (1991)), plaintiff is entitled to  
11 reasonable attorney's fees and costs pursuant to 28 U.S.C. § 2412  
12 (a), (d), upon proper request to this Court.

13 IT IS FURTHER ORDERED:

14 1. The parties' stipulated motion for an order of remand (Ct.  
15 Rec. 21) is **GRANTED**.

16 2. Judgment shall be entered for **PLAINTIFF**.

17 3. An application for attorney fees and costs may be filed by  
18 separate motion.

19 4. The District Court Executive is directed to enter this  
20 Order, enter judgment, forward copies to counsel, and **CLOSE** the  
21 file.

22 **IT IS SO ORDERED.**

23 **DATED** this 10th day of September, 2010.

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25 \_\_\_\_\_ *s/James P. Hutton*  
26 JAMES P. HUTTON

27 UNITED STATES MAGISTRATE JUDGE

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